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July 19, 2022

The Honorable Martin J. Walsh
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington DC, 20210

Dear Secretary Walsh:

Last month the Committee on Education and Labor held a hearing where you testified about the policies and priorities of the Department of Labor (DOL).¹ During the hearing, I asked you directly about your participation in strike activity at the Kellogg's plant in Lancaster, Pennsylvania, on October 27. Following this exchange, I expected you to promptly send me the information we discussed at the hearing. However, after several weeks of silence from DOL, I find myself again needing to request this information.

The June hearing was not our first exchange about this matter. I have twice written to you since November seeking information about your participation in the Kellogg's strike.² Not only have you failed to respond in writing to either of those letters but you were also unprepared to discuss the requests made in those letters during the hearing.³ In addition, I have yet to receive any of the materials you agreed to provide in response to my questions about your seeking advice from DOL's Office of Legal Counsel (OLC) attorneys regarding your visit to the Kellogg's plant. Specifically, I asked you to provide me any written guidance or advice you received on either the

¹ *Examining the Policies and Priorities of the U.S. Department of Labor: Hearing Before the H. Comm. on Educ. & Lab.*, 117 Cong. (2022), <https://edlabor.house.gov/hearings/06/07/2022/examining-the-policies-and-priorities-of-the-us-department-of-labor>.

² Letter from Sen. Richard Burr et al. to Martin J. Walsh, Sec'y of Lab. (Nov. 2, 2021), https://republicans-edlabor.house.gov/uploadedfiles/burr_foxx_braun_allen_to_walsh_re_picket_line_110221.pdf; Letter from Reps. Virginia Foxx & Rick W. Allen to Martin J. Walsh, Sec'y of Lab. (Feb. 23, 2022), https://republicans-edlabor.house.gov/uploadedfiles/02-23-2022_letter_to_sec._walsh.pdf.

³ In response to my question, "Will you commit to responding comprehensively in writing all the questions in my previous two letters by the end of this week?" you responded, "I don't know what questions are in your letter."

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legality of this visit or on your ethical obligations related to the visit, and you responded in the affirmative.⁴ I am dismayed that you have not provided any of the promised information.

Your silence on this issue has been deafening. If you have fulfilled your obligations to follow legal and ethical procedures on the matter of your visit to the Kellogg's plant, why are you unwilling to provide evidence to support this? Furthermore, my concerns do not end with that visit. As I noted in my February 23 letter, your participation in additional labor-management disputes makes it even more important for Members of Congress and the public to understand whether you are meeting your obligations to receive ethics advice from OLC whenever you plan to engage in labor-management disputes as well as to understand whether you recuse yourself from participating in enforcement actions against parties whose disputes you involve yourself in.⁵

Your disregard for Congress and its oversight responsibilities is inexcusable. I have been seeking answers to my questions on this matter for more than eight months. Please provide the materials you promised during the June 12 hearing as well as full responses to the questions in my November and February letters by no later than August 2.

Thank you for your attention to this important matter.

Sincerely,



Virginia Foxx
Ranking Member

Enclosures

⁴ *Examining the Policies and Priorities of the U.S. Department of Labor*, *supra* note 1.

⁵ Letter from Reps. Virginia Foxx & Rick W. Allen, *supra* note 2.